

REMARKS

Applicants acknowledge receipt of an Office Action dated December 23, 2008. In this response, Applicants have added new claims 12-20. Support for new claims 12-20 can be found, *inter alia*, at page 4, line 25 – page 6 line 8, and Figs. 1-3 of the originally filed specification. Following entry of this amendment, claims 1-20 are now pending in this application.

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Objection to the Abstract

On page 2 of the Office Action, the Office has objected to the abstract. Applicants have submit herewith a corrected abstract that includes the term “capacitor” to replace “condenser”, and eliminates any legal phraseology.

Objection to the Title

On page 2 of the Office Action, the Office has objected to the title of the invention. Applicants have amended the title to change the term “condenser” to “capacitor”.

Rejections Under 35 U.S.C. § 103

On pages 3-4 of the Office Action, the Office has rejected claims 1-11 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent 5,632,332 to Hanafusa (hereafter “Hanafusa”). Applicants respectfully traverse this rejection for at least the reasons set forth below.

Hanafusa fails to teach or suggest a heat exchanger assembly comprising, among other things, “a flange secured to the manifold, wherein the holder and flange are separate pieces, wherein the flange includes at least one opening configured to receive a connecting tube,” as recited in claim 1. Claims 2-11 each ultimately depend from claim 1.

The Office has interpreted clamper 204 and upper foot 209a of Hanafusa as allegedly being equivalent to the claimed flange and holder, respectively. See Office Action at page 3. However, Hanafusa discloses that “clamper 204 comprises header-embracing fixable feet 209 at one of its ends” and that “[o]ne of the fixable feet 209 is an upper foot 209a”. See Hanafusa at col. 8 lines 1-9, and Fig 8. Hanafusa also discloses that “clamper 204 for

gripping the joint pipe 202 at a portion intermediate its longitudinal ends, is a one-piece pressed article of aluminum brazing sheet" (emphasis added). See Hanafusa at col. 8 lines 1-3. Thus, even if clamper 204 and upper foot 209a could be interpreted as a flange and holder, respectively, Hanafusa does not teach or suggest that these features are separate pieces as recited by claim 1.

For at least the reasons discussed above, Hanafusa does not render claims 10-11 to be unpatentable because Hanafusa does not disclose or suggest all of the features of claim 1. Reconsideration and withdrawal of the rejection is respectfully requested.

Newly Added Claims

In this response, Applicants have added new claims 12-20. Claims 12-18 each ultimately depend from claim 1 and are allowable over the cited reference for at least those reasons discussed above and for their respective additional recitations.

New independent claim 19 recites, among other things, a heat exchanger assembly "wherein the flange includes at least one opening configured to receive a connecting tube, wherein the flange is configured to be fixed and joined to the manifold by the at least one holder, and wherein the flange comprises two openings, wherein each of said openings is configured to engage with a respective connecting tube." In addition, new independent claim 20 recites, among other things, a heat exchanger assembly "wherein the flange includes at least one opening configured to receive a connecting tube, wherein the flange is configured to be fixed and joined to the manifold by the at least one holder, and wherein the at least one opening is configured to engage with an end of the connection tube such that the flange forms an interface with the end of the connection tube for fluid flow from the end of the connection tube." Applicants submit that Hanafusa fails to disclose, teach or suggest these features as recited in independent claims 19 and 20.

CONCLUSION

Applicants submit that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date March 23, 2009

By PDS

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5540
Facsimile: (202) 672-5399

Paul D. Strain
Attorney for Applicant
Registration No. 47,369